RECEIVED

Uniplex Corporation

2905 Country Drive St. Paul, MN 55117

FEDERAL COMMUNICATIONS CGM AISSIGN -41

In the matter of)	
Amendment of Part 90 of the Commissions Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems))))	PR Docket No. 93-61 DOCKET FILE COPY ORIGINAL

Uniplex Corporation Opposition to Petitions for Reconsideration

May 23, 1995

Uniplex Corporation hereby respectfully submits the following petitions to the Commission requesting reconsideration of certain elements of its Report and Order 95-41.

Site Limitations on Grandfathered LMS Systems.

We encourage the Commission to enable Grandfathered Multilateration LMS licensees to expand and evolve their systems to competitively meet the needs of their subscribers. Perhaps expansion and modifications could be permitted within the BTA in which the license resides or within a certain radius of a central site or point. Without such expansion, a diversity of technologies and a competitive marketplace is unlikely to develop. Our WBFL system, for example, requires a higher density of licensed base stations than NBFL systems do as pointed out in our Petition for Reconsideration. Restricting our ability to construct sites beyond those that are currently licensed may force us to adopt conventional NBFL technology in order to operate in this Country.

LMS is a promising emerging technology which appears to currently be dominated by U. S. firms. Our WBFL system was recently chosen by the Department of Transportation in Taiwan, for example, to provide real time location of busses at bus stops along two No. of Copies rec'd

ListABCDE

1

routes in Taipai. Our system was chosen over proposals from NEC, Panasonic, Taitung and five other systems. How can a small company with 12 people and an investment of less than \$2 million successfully compete in such a marketplace? Certainly part of the answer lies in the fact that our system was designed under the Commission's rather unrestricted "Interim Rules" which embraced innovative solutions. The site and power restrictions contained in the Report and Order restrict and discourage further development of this technology and should be reconsidered.

Interference From Part 15 and Amateur Operations §90.361 (c)

We oppose the petitions of Part 15 Coalition which seeks to elevate the status of Part 15 operations beyond the antenna height restrictions the Commission imposed on these devices in its Report and Order. In fact, we oppose §90.361 or any rule that would establish a non-rebuttable presumption against interference to LMS sites. If LMS is going to play a meaningful role in the development of ITS and provide competitive public services there must be a form of interference protection for its sites to encourage planning and investment in the extensive infrastructure required for these systems.

Sharing vs Competitive Bidding

As Uniplex was developing its LMS system it became apparent that we would have to share spectrum or make other arrangements with the other LMS providers since there were simply more of us than bands available. There has been considerable resistance to sharing among some of the LMS providers. Recently we participated in a sharing experiment with Pinpoint in Washington DC where they have a demonstration network operating. We were able to set up our stations and coordinate the time sharing technique in several days. We both agree that sharing is feasible and can be done very efficiently.

We propose that the Commission designate a sub band for multilateration LMS systems that are willing to share spectrum rather than participate in competitive bidding. Doing so would preserve and encourage small entrepreneurial companies in this service and increase the value of the band or bands available for bidding. The public may actually receive more net revenue from this approach as the band(s) available for bidding would have fewer grandfathered licensees.

Respectfully Submitted,

UNIPLEX CORPORATION

2905 Country Drive St. Paul, MN 55117 McNeil Bryan

President

cc: See Attatched

Theresa Fenelon Pillsbury Madison & Sutro 1050 Connecticut Ave., N.W Suite 1200 Washington, D.C. 20036

Henry Rivera Ginsburg, Feldman & Bress 1250 Connecticut Ave., N.W. Washington, D.C. 20036

John J. McDonnell Reed Smith Shaw & McClay 1200 18th Street, N.W. Washington, D.C. 20036

Henrietta Wright Goldberg, Godles, Wiener & Wright 1229 19th Street, N.W. Washington, D.C. 20036

Louis Gurman
Gurman, Kurtis, Blask
& Freedman, Chartered
1400 16th Street, N.W., Suite 500
Washington, D.C. 20036

David E. Hilliard Wiley, Rein & Fielding 1776 K Street, NW Washington, DC 20006